

Remarks

Applicant amends the specification solely to clarify the views presented in two of the figures in the brief description of the drawings. These amendments are supported by the specification and the original figures as filed.

In response to the outstanding Restriction Requirement referenced above, Applicants herein elect Species I (Fig 3.) with traverse. Application claims 1-18, 20-43 and 45-48 are pending in the application. Application claims 1, 27, 28, 29, 30, 31, 32, 33, 34, 35, 40, 41, 43, 45 and 46 are independent.

Traverse of Restriction

Applicant traverses the restriction requirement with regards to the assertions of the Examiner with regards to the Application's figures.

The Examiner asserts that Species II is directed to a laryngeal mask that comprises no recessed front portion and is shown in FIG. 5. While Applicant agrees that an embodiment of laryngeal mask with no recessed front portion is contemplated by the specification of the instant case, Applicant respectfully asserts that FIG. 5 shows a recessed front portion "Figure 5 is a front view of the inflatable positioning shield after inflation, *illustrating the recessed front portion of the positioning shield* and the unobstructed distal lumen of the flexible breathing tube." [page 10, lines 19-21 as amended, emphasis added.

The Examiner asserts that Species IV is directed towards a laryngeal mask that does not include support members or runners and is shown in FIG. 5. While Applicant agrees that an embodiment of laryngeal mask with no support members or runners is contemplated by the

specification of the instant case, Applicant respectfully asserts that FIG. 5 shows the inflatable shield *after inflation*, therefore runners and/or support members would be obscured.

The Examiner asserts that Species V is directed towards a laryngeal mask that comprises a plurality of distal lumens and is shown in FIG. 1 while species VI is directed to a laryngeal mask comprising only a single distal lumen. All embodiments of the current invention include at least one distal lumen (32). Embodiments also include at least one proximal end lumen (30) and many of the embodiments also include one or more additional lumens (38) which are located toward the distal end of the respiratory tube (see e.g. page 16, lines 6-13). Applicants tried to clarify the phraseology associated with each of the lumens in the prior response.

Each of the depicted embodiments shows a single distal lumen (although the inclusion of more than one is contemplated by the specification and covered by the claims). For this reason, the Examiner's assertion of different species based on the number of distal lumens does not make sense. Applicant believes this issue is simple phraseology however and believes that the Examiner intended to define the species as follows:

Species V is directed toward a laryngeal mask having at least one distal lumen and at least one additional lumen located toward the distal end of the respiratory tube.

Species VI is directed toward a laryngeal mask having at least one distal lumen and no additional lumens located toward the distal end of the respiratory tube.

Applicant has used these Species definitions for purpose of classifying claims and reserves the right to alter the classification if the Examiner asserts that these revised species are not what he intended.

Classification of Claims

Applicant contends that the Examiner is incorrect and there are generic claims in the application and provides the following provisional listing of claims. Applicant reserves the right to alter this list in the event that Applicant's traverse of the restriction and attempted understanding and restatement of Species V and VI is asserted by the Examiner to not be the intended differentiation between these species.

Claims 1-6: Generic to Species I, III, IV, V, and VI.

Claim 7: Generic to Species I, III, IV, and V.

Claims 8-14: Generic to Species I, III, IV, V, and VI

Claims 15-16: Generic to Species I, III, V, and VI

Claims 17-18: Generic to Species I, III, IV, V, and VI

Claims 20-27: Generic to Species I, III, IV, V, and VI.

Claims 28-29: Generic to Species I, III, V, and VI

Claim 30: Generic to Species I, III, IV, V, and VI.

Claim 31: Generic to Species I, III, IV, and V.

Claim 32: Generic to Species I, III, and V.

Claims 33-38: Generic to all Species.

Claims 39-40: Generic to Species I, II, III, IV, and V.

Claims 41-42: Generic to Species I, II, III, V, and VI.

Claims 43: Generic to all Species.

Claim 45: Generic to Species I, II, III, and V.

Claims 46-48: Generic to all Species.

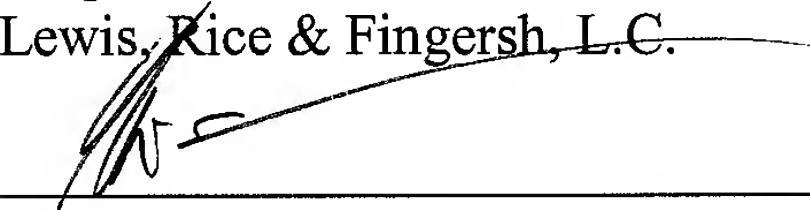
The election made herein is made solely to expedite prosecution. Applicant reserves the right to prosecute Groups and/or Species not elected herein in other patent applications claiming the benefit of the filing date of this application.

Applicant encloses herewith a petition for a one month extension of time and the requisite extension fee. Applicant believes that no fees are due in connection with the filing of this Response. However, the Commissioner is authorized to credit any overpayment or charge any deficiencies necessary for entering this amendment, including any claims fees and/or extension fees to/from our **Deposit Account No. 50-0975**.

If any questions remain, Applicant respectfully requests a telephone call to the below-signed attorney at (314) 444-7783.

Respectfully submitted,
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